


BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

DOCKET NOS. 92-023-R and 94-045-R - ORDER NO. 2000-787

SEPTEMBER 27, 2000

| | | |
|--------|-----------------------------------|-----------------|
| IN RE: | Application of South Carolina) | |
| | Electric & Gas Company for) | |
| | Adjustments in the Company's) | ORDER ON REMAND |
| | Coach Fares and Charges, Rates,) | |
| | and Route Schedules) | |



This matter comes before the Public Service Commission of South Carolina (the "Commission", "PSC") on the May 25, 2000 Order of the Honorable Alison Renee Lee (hereinafter "Lee Order"), reversing Commission Orders 96-639 and 96-771, remanding the present action to the Commission, and directing the enforcement of the Order of the Honorable Don S. Rushing, dated May 12, 1995 (hereinafter "Rushing Order"). The purpose of this Order is to strictly comply with the foregoing Orders of Judges Rushing and Lee. For a detailed discussion of the procedural background in these dockets, please refer to the Lee and Rushing Orders. As may be seen by our prior Orders in this case, we do not necessarily agree with the reasoning espoused by Judges Lee and Rushing, but we are issuing this Order in compliance with the directives contained in the Orders of those Judges.

The Lee Order provides at page 10 that:

"[T]his matter is remanded to the Public Service Commission to follow the instructions provided below and provided in the Circuit Court Order dated May 12, 1995 executed by the Honorable Don S. Rushing.

The instructions are addressed herein in the sequence in the Rushing Order.

It is uncontroverted before the Courts and this Commission that the Company operates its transit system at a substantial financial loss. See Rushing Order page 8 (“It is undisputed that SCE&G has never submitted an application to the Commission requesting a fully compensatory rate of return on its transit operations only.”) There is likewise substantial evidence of record that the route and rate changes proposed by the Company in its application, if implemented, would still result in transit operating losses and therefore, pursuant to the Rushing and Lee Orders, should be implemented.

I. The Rushing Order, at 18, provides:

“1. Commission Order Numbers 92-781, 92-928, 92-929, and 92-990 are reversed, and the Commission is ordered to consider the fare increases, as well as the route and scheduling changes in the application SCE&G filed on March 12, 1992, based solely on the Company’s transit rate base without any reference to the Company’s electric or gas profits.”

The Lee Order provides at 10:

[The Commission must] [c]onsider the Company’s various proposed fare increases, route changes, and elimination of the low income fare based solely on the Company’s transit operations without reference to the Company’s electric and gas profits;

Based solely on the Company’s transit rate base without reference to the Company’s electric or gas profits, the Company is hereby authorized to implement the fare, route, and scheduling changes attached hereto and made a part hereof as Attachment 1, except as delineated below. We hereby delete those portions pertaining to the City of Charleston . See Lee Order at 2, fn 1. Further, we do not intend by the publication of this Order to eliminate the route changes placed into effect pursuant to Order No. 94-175. That Order promulgated certain route changes which originated from proposals made by a consultant for ATE Management and Service Company, Inc. These route changes were consented to by the parties to this case. These changes

and Order No. 94-175 shall remain in full force and effect, as well as the route change approved in Order No. 2000-0071, and any other individual route changes that we approved subsequent to the issuance of Order No. 94-175.

II. The Rushing Order further provides at 18:

“2. Commission Order Numbers 93-496, 93-599, 93-806, and 93-904 are reversed. The Commission has no jurisdiction over the Company’s DART service area, which is a matter of federal jurisdiction.”¹

Based on this directive, the Commission finds and concludes that the Company is free to establish service area(s) for DART without approval from the Commission and the foregoing Orders, as well as any others issued by the Commission, related to the regulation of DART service are hereby vacated.

III. The Rushing Order, at 18, provides:

“3. Commission Order Nos. 93-1148, 94-120, and 94-519 are reversed as they pertain to SCE&G’s request for a declaratory order, and the Commission is ordered to issue the required declaratory order.”

The Lee Order provides at 10:

“3. [The Commission must] [i]ssue SCE&G requested declaratory order denied in Commission Order Nos. 93-1148, 94-120 and 94-519.”

SCE&G’s Petition for Declaratory Order, filed September 21, 1993 requested the following declarations:

“The Due Process and Taking Clauses of the United States and South Carolina Constitutions, along with sound regulatory practice, require that SCE&G’s transit fares be set at a level providing a reasonable and nonconfiscatory rate of return on its transit operations standing alone.”

¹ The Lee Order, at 10, provides that the Commission must follow the remaining decrees set forth in the Rushing Order (¶ 4).

Based on the mandate of paragraph 3 at 18 of the Rushing Order (and paragraph 3 at 10 of the Lee Order), as modified by paragraph 5 at 19 of the Rushing Order, (providing that a regulated utility may voluntarily sustain a loss) the following declaration is ordered:

“The Due Process and Taking Clauses of the United States and South Carolina Constitutions, along with sound regulatory practice, require that SCE&G’s transit fares be set at a level providing a reasonable and nonconfiscatory rate of return on its transit operations standing alone. SCE&G is entitled to earn a compensatory rate of return on its transit operations standing alone and the Commission lacks authority to increase SCE&G’s transit losses above the level the Company is voluntarily willing to sustain.”

IV. The Rushing Order states at 18:

“4. Commission Order Numbers 94-521 and 94-596 are reversed, and the Commission is ordered to consider SCE&G’s request to terminate the low income rider fare based solely on the Company’s transit rate base without reference to the Company’s electric and gas profits.”

The Lee Order provides in paragraph 1 at 10:

[The Commission must] [r]eview SCE&G’s original application and request to terminate the low income rider fare based solely on the transit rate base without any consideration of the Company’s gas or electric profits;

Pursuant to these mandates, and in light of the fact that the evidence of record reflects that the elimination of the low income fare, provided in conjunction with the other relief sought herein, does not raise the Company’s level of income to the extent required to overcome the Company’s transit operating losses, the Company is hereby authorized and permitted to terminate the low income rider fare.

V. The Court sustained the Commission’s increase in the transit fare to 75¢ per ride. The Commission hereby reiterates that finding and conclusion. We believe that the 75¢ per ride fare is very comparable to the fares charged in other areas at the time that our original rate order

was issued. See Attachment 2, an exhibit from Company witness Johnny Kinloch presented during the initial hearing.

This Order shall remain in full force and effect until further Order of the Commission.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)



TARIFF 100

SCPSC SCE&G MP No.1

SOUTH CAROLINA ELECTRIC & GAS CO.

LOCAL PASSENGER FARES

also

OPERATING AUTHORITY, SCOPE OF OPERATIONS AND
TERMS AND CONDITIONS

APPLYING TO

PASSENGER SERVICE FOR TRANSPORTATION IN
AND AROUND THE CITIES OF COLUMBIA
AND CHARLESTON

SOUTH CAROLINA

SOUTH CAROLINA INTRASTATE TARIFF

for operating authority see item 1
issued under authority of the South Carolina Public
Service Commission in Docket No. 94-045-R By
Order No. _____

ISSUED _____

Effective on and after _____

ISSUED BY
J. KINLOCH, VICE PRESIDENT141 Meeting Street
Charleston, S.C. 29401Communications regarding provisions published herein should be addressed to
the Transit Department of South Carolina Electric & Gas Company

ORIGINAL PAGE 1

ITEM 1

SCE&G is required by City ordinance to provide a transit service within the City of Charleston through the year 1992, unless extended, and is required to provide transit service within the City of Columbia pursuant to S. C. Code, 1976, SS 58-27-120.

ITEM 2

Passengers will be transported by the Company only upon payment of the exact fare, presentation of a valid transfer, presentation of a valid discount card or presentation of a ticket provided by certain Social Service Agencies. No cash will be given to any passenger. Passengers not having the exact fare or valid pass may request from the coach operator a receipt in lieu of cash change for amounts of change of 10c or more, which receipt shall be redeemable in cash within 60 days thereafter upon presentation at the office of the Company in person during normal business hours. Passengers with more than the exact fare, who elect not to receive a receipt, may ride but will not receive change.

ITEM 3

Passengers are required to have the exact fare in cash, discount card or ticket. Discount cards may be purchased at designated Metropolitan Columbia and Charleston business offices during normal business hours.

ITEM 4

Transfers will be honored only at the first connecting point of the coach routes involved.

ITEM 5

All routes and time schedules may be adjusted in accordance with passenger demand and economies with approval using current Commission procedures.

ITEM 6

Special fares for irregular or specific event type service will be established by the Company in accordance with passenger demand and economies.

ORIGINAL PAGE 2

ITEM 7

The elderly fare is available to elderly individuals 65 years of age or older. Elderly individuals must present MediCare cards or other identification of age upon boarding bus. The handicapped fare is available to individuals who present the SCE&G handicapped identification card upon boarding the bus. Applications for certification and handicapped identification cards are available at the Company's Columbia and Charleston transit offices during normal business hours.

ITEM 8

Passengers are subject to the Public Transportation Passenger Rights Act of the Code of Laws of South Carolina, Article 17 in Chapter 23 of Title 58.

ITEM 9

Children under six years of age ride free with fare paying passenger.

ITEM 10

| | |
|--------------------------|-----------|
| Cash Fare (one way ride) | \$.75 |
| Transfer | No Charge |

ITEM 11

| | |
|---|-----------|
| Elderly and handicapped fare (one way ride) | \$.25 |
| Transfer | No Charge |

(Between 9:00 AM - 3:30 PM and after 6:00 PM)

ITEM 12

Discount Fares:

| | |
|--------------|---------|
| 10 Ride Card | \$ 6.00 |
| 40 Ride Card | \$21.00 |

SOUTH CAROLINA ELECTRIC & GAS COMPANY

COACH OPERATIONS
ROUTE AND ROUTE SCHEDULE CHANGES

COLUMBIA OPERATIONS

Sunday Delete Service

| | | | |
|---------------------|--------|----|---------|
| College Place | 7:23am | TO | 8:08am |
| Dentsville | 7:08pm | TO | 11:35pm |
| | 7:16am | TO | 8:16am |
| Camp Fornance | 6:16pm | TO | 10:16pm |
| | 7:45am | TO | 7:55am |
| State Park | 3:45pm | TO | 11:45pm |
| | 6:35am | TO | 8:15am |
| Fort Jackson II | 6:30pm | TO | 11:33pm |
| Olympia Avenue | 6:00pm | TO | 8:40pm |
| Melrose Heights | 5:23pm | TO | 8:07pm |
| Cayce/West Columbia | 2:55pm | TO | 9:25pm |
| Edgewood | 5:00pm | TO | 8:00pm |
| Ridgewood | 5:38pm | TO | 10:08pm |
| | 7:23am | TO | 8:08am |
| | 7:08pm | TO | 11:55pm |
| Palmetto Estates | 3:45pm | TO | 10:50pm |
| Colonial Heights | 3:05pm | TO | 9:05pm |
| VA Hospital | 7:40am | TO | 9:26am |
| | 5:26pm | TO | 10:45pm |

Saturday Delete Service

| | | | |
|---------------------|---------|----|---------|
| College Park | 9:53pm | TO | 11:35pm |
| Camp Forance | 9:10pm | TO | 11:45pm |
| Fort Jackson I | 6:15am | TO | 7:00pm |
| State Park | 10:30pm | TO | 11:30pm |
| Trenholm Road | 7:10am | TO | 8:05pm |
| Olympia Avenue | 9:08pm | TO | 11:05pm |
| Melrose Heights | 8:55pm | TO | 10:00pm |
| Ridgewood | 10:08pm | TO | 11:55pm |
| Cayce/West Columbia | 9:00pm | TO | 12:00am |
| Palmetto Estates | 6:05am | TO | 7:30am |
| | 9:10pm | TO | 10:50pm |
| Veterans Hospital | 9:26pm | TO | 11:34pm |
| Harrison Road | 7:26am | TO | 6:35pm |
| Rose Hill | 6:40am | TO | 7:25pm |
| Fort Jackson II | 9:00pm | TO | 11:40pm |
| Clairview | 6:45am | TO | 7:25pm |
| Elmwood | 8:00am | TO | 6:08pm |

we would like to

EXHIBIT E

SOUTH CAROLINA ELECTRIC & GAS COMPANY
COACH OPERATIONS
ZONE ROUTES

1. ZONECHARLESTON

Ashley River Road

Liberty Holmes

North Charleston

Winchester/Waylyn

Spring St./Lockwood Blvd.

Navy Yard Gate/Reynolds Ave.

Navy Yard Gate/Reynolds Ave.

Cosgrove Ave./Azalea Ave.

COLUMBIA

Fort Jackson I

Fort Jackson II

Denny Heights

Fairfield Road

St. Andrews

State Park

Veterans Road

Dentsville

Greenville

North Trenholm Road

Woodfield Park

Airport

Eastway Park

Kilbourne Rd./Ft. Jackson Blvd.

Trenholm Rd./Forest Drive

Club Rd./Monticello Rd.

Oakland/Fairfield Rd.

Greystone Blvd./I-26

Craven St./Farrow Rd.

Rosewood Drive/Garners Ferry Rd.

Two Notch Rd./Beltline Blvd.

Craven St./Farrow Rd.

North Trenholm/Forest Drive

North Trenholm/Forest Drive

Decatur St./Platt Springs Rd.

Shop Rd./George Rogers Blvd.

2. ZONECHARLESTON

Pierpont

Isle of Palms

Remount Road

Riverview Terrace

Spring St./Lockwood Blvd.

Mark Crain Hwy./Hwy. 61

Meeting St./Line St.

Sea Island Shopping Center

Reynolds Ave./River Ave.

Mixon Ave./Montague Ave.

Spring St./Lockwood Blvd.

Folly Rd./Ft. Johnson Rd.

COLUMBIA OPERATIONS - Continued

Weekdays Delete Service

| | | | |
|---------------------|---------|----|---------|
| College Place | 10:08pm | TO | 11:33pm |
| Ridgewood | 9:53pm | TO | 12:00am |
| Camp Fornance | 9:10pm | TO | 11:45pm |
| ✓ Fort Jackson I | 10:00am | TO | 2:45pm |
| | 7:00pm | TO | 11:40pm |
| State Park | 10:30pm | TO | 11:30pm |
| Cayce\West Columbia | 9:00pm | TO | 12:00am |
| Olympia Avenue | 9:08pm | TO | 11:05pm |
| Trenholm Road | 5:50pm | TO | 8:05pm |
| VA Hospital | 9:26pm | TO | 11:34pm |
| Melrose Heights | 8:55pm | TO | 10:00pm |
| Lake Shore Drive | 3:25pm | TO | 4:15pm |

MAJOR HOLIDAYS: New Years Day, July 4th, Labor Day, Thanksgiving
Day and Christmas Day

NO SERVICE

Exhibit No. _____ (JK-3)

NEIGHBORING TRANSIT SYSTEMS' FARE AND SERVICE COMPARISON

| <u>LETTER NUMBER</u> | <u>NAME OF CITY</u> | <u>FARE</u> | <u>TRANSFER CHARGE</u> | <u>HOURS OF OPERATION</u> |
|--------------------------|---------------------|-------------|----------------------------|---|
| A | Anderson, S. C. | \$1.00 | --- | Monday - Friday Service from 6:30 AM - 5:30 PM; No service on Saturdays, Sundays and Major Holidays |
| B | Atlanta, Ga. | \$1.00 | --- | Monday - Sunday Service from 5:00 AM - 1:00 AM (20 hours per day) 365 days per year |
| C | Augusta, Ga. | \$.75 | \$.35 | Monday - Friday Service from 5:30 AM - 11:30 PM; Saturday 6:30 AM - 10:00 PM; No service on Sundays and Major Holidays |
| D | Charlotte, N. C. | \$.80 | --- | Monday - Saturday Service from 5:30 AM - 11:30 PM; Sunday Service from 6:30 AM - 11:30 PM; Limited service on Major Holidays |
| E | Durham, N. C. | \$.50 | \$.10 | Monday - Saturday Service from 5:30 AM - 11:55 PM; No Service on Sundays and Major Holidays |
| F | Greenville, S. C. | \$.85 | \$.50 | Monday - Saturday Service from 6:00 AM - 8:00 PM; No Service on Sundays and Major Holidays |
| G | Spartanburg, S. C. | \$.75 | \$.15 | Monday - Friday Service from 6:00 AM - 5:30 PM; Saturday Service from 9:00 AM - 6:00 PM; No Service on Sundays and Major Holidays. |
| H | Winston-Salem, N.C. | \$.60 | \$.10 | Monday - Friday Service from 5:15 AM - 7:30 PM; Saturday Service from 6:40 AM - Midnight; No Service on Sundays and Major Holidays. |
| I | Savannah, Ga. | \$.75 | \$.05 | Monday - Saturday Service from 5:30 AM - 11:00 PM; Sunday Service from 7:30 AM - 7:30 PM; No service on Major Holidays. |